



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2208033
Applicant Name: Jim Barker for John Parrish
Address of Proposal: 9237 36th Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into four parcels of land. Proposed parcel sizes are: A) 7,200 sq. ft., B) 7,203 sq. ft., C) 7,200 sq. ft., and D) 7,214 sq. ft. Existing single family residence to remain. Existing garage and shed to be removed.

The following approval is required:

Short Subdivision - To subdivide one existing parcel into four parcels of land.
(Chapter 23.24, Seattle Municipal Code).

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction

BACKGROUND DATA

Site Description

This 28,817 sq. ft. site is zoned Single Family 7200 (SF 7200) and is located in a mapped environmentally critical area due to a potential landslide area and steep slopes at the rear of the site. The site slopes down toward the west and the slopes become greater toward the rear of the site. The site is located approximately one block east of Interstate 5 and two blocks west of Beacon Avenue South. The lot is developed with a single family residence and a detached garage which is proposed for demolition. The street is improved with a curb, sidewalk, and planting strip.

Area Development

Development in the vicinity consists primarily of single family residences on lots of varying shapes and sizes. Interstate 5 is located one block to the west of the site and Boeing Field is located on the west side of the freeway. The heavy volume of traffic along Interstate 5 and Beacon Avenue South produces vehicle noise and airborne particulates in the vicinity.

Proposal

The proposal is to short subdivide one platted lot into five lots. Each lot would have the following lot areas: Parcel A – 7,200 sq. ft., Parcel B – 7,203 sq. ft., Parcel C – 7,200 sq. ft., and Parcel D – 7,214sq. ft. Vehicular access to Parcels A and D would be directly off of 36th Avenue South. Vehicular access to Parcels B and C would be from a 20 foot wide easement off of 36th Avenue South. All four parcels would have a standard rectangular shape except for a 9.5 foot jog between Parcels C and D.

Comment

No comment letters were received during the comment period which ended February 12, 2003.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. Conformance to the applicable Land Use Code provisions;
2. Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;
3. Adequacy of drainage, water supply, and sanitary sewage disposal;
4. Whether the public use and interests are served by permitting the proposed division of land;
5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;
6. Is designed to maximize the retention of existing trees;
7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

Based on information provided by the applicant, referral comments from the Access and Drainage Section, Water, and Fire Departments, Seattle City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The proposed parcels would meet minimum lot size requirements, with all five parcels having more than the minimum required 7200 sq. ft. per lot. Each parcel would provide

adequate buildable lot area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. Parcels A and D would have vehicular access off of 36th Avenue South. Parcels B and C would have vehicular access from a 20 foot wide easement off of 36th Avenue South. The street in front of the site is improved to the standards of the SF 7200 zone and has curbs and sidewalks. The Fire Department has indicated that the proposal will allow adequate emergency vehicle access to all parcels. In addition, a standard fire hydrant is located approximately 340 ft. from the property line in 36th Avenue South which will provide ready access to a standard gauge and pressure watermain to accommodate adequate fire response to all four Parcels. City Light indicated that the proposed parcels will have adequate access to electrical utilities with the provision of an easement.

3. Drainage, water supply and sanitary sewage disposal issues are as follows:

There are no public means of stormwater conveyance in the vicinity of the proposed short plat. The mapped soil type in this area is till/hardpan and clay. There are mapped steep slope critical areas and potential landslide areas located on both the proposed short plat and the adjacent westerly parcels. There is no readily apparent point for stormwater discharge and the site conditions will limit the use and effectiveness of infiltration as a means of stormwater management. A drainage control plan, prepared by a licensed civil engineer, in conjunction with a licensed geotechnical engineer will be required. The geotechnical engineer recommended in his report that a representative of PEI (Pioneer Engineering Inc.) be present on-site to observe and verify the soil conditions during excavation for the stormwater infiltration facility and to re-evaluate DCLU's recommendations if unexpected subsurface conditions are encountered.

There is an existing standard 8 in. water main in 36th Avenue South.

The existing structure located upon proposed Lot D is connected to an eight inch public sanitary sewer (PSS) located in 36th Avenue S. by means of a single sidesewer. The applicant should contact the Sidesewer and Drainage Desk for sidesewer permit information.

4. The purpose of the Single Family 5000 zoning is to preserve and maintain the physical character of the single family residential areas in a way that encourages rehabilitation and provides housing opportunities throughout the City for all residents. Provided the plat is conditioned to require easements or covenants to allow for the proper posting of addresses for parcels proposed without street frontage, the proposed short subdivision will meet all minimum Land Use Code provisions and will have adequate access for vehicles, utilities and fire protection, as well as adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood.
5. The proposed subdivision is mapped as an environmentally critical area due to a potential landslide area and 40 percent steep slope. However, the topographic survey indicates that there is no steep slope on the site and that there is a 40 percent steep slope within 25 feet of the west property line. The building permit will be subject to the provisions of the

Environmentally Critical Areas (ECA) Ordinance. A geotechnical report was submitted with the short plat application and has been reviewed by DCLU's geotechnical engineer who recommended additional items for compliance with the ECA Ordinance. However, a Level C geotechnical report in accordance with Director's Rule 3-93 will be required for the individual building permit application.

6. The eight inch diameter apple tree would not be removed from Parcel D because it is already developed with the existing house. There is an eight inch diameter Birch tree and a six inch diameter Hawthorne tree in the required front yard of Parcel A which would be retained because they are not located in the allowed building envelope for Parcel A. There are two Maple trees measuring 24 inches and 36 inches in diameter in the steep slope area at the rear of Parcel C which are in the required side yard area and outside the allowed building envelope. There is also an eight inch apple tree in the required front yard of Parcel C which is outside the allowed building envelope. The trees on the existing site do not meet the criteria for exceptional trees and no trees would be removed, so the short plat is designed to maximize the retention of trees.
7. A unit lot subdivision is not proposed so the criterion relating to unit lot subdivisions is not applicable to this short plat.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated December 6, 2002) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered. A more detailed discussion of the potential impacts from this short plat follows.

Short-Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion of steep slopes, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction

workers' vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Critical Areas Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning is needed.

The demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Parking utilization along streets in the vicinity is moderate, and although the scale of the project is moderate in size, the duration of construction is expected to extend for several months. However, the temporary demand on the on-street parking in the vicinity due to construction workers' vehicles is not expected to be significant and there is transit service available on Beacon Avenue South for workers.

The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is not necessary to mitigate impacts that would result from the proposal on surrounding properties, because the existing City ordinance adequately mitigates noise impacts.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 A SMC). No unusual circumstances exist which warrant additional mitigating, per the SEPA Overview Policy.

There is the potential for erosion during construction. However, temporary erosion control is regulated through Director's Rule 26-2000 regarding Best Management Practices for Construction Erosion and Sedimentation Control Plans and is sufficient to mitigate any short-term construction impacts to the earth. Thus, no mitigation pursuant to SEPA is warranted.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single family residences and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (minimum lot area, vehicle access to parking); and the Seattle Energy Code (long-term energy consumption). Earth-related impacts may result in the long-term and are mitigated by the

Critical Areas Ordinance. An analysis of impacts associated with specific SEPA policies follows.

Earth

A geotechnical report was submitted with this application. The report concluded that the site is currently stable with respect to landslides. Some surficial sloughing of the bank at the west side of the property is possible, but evidence that this has recently occurred was not observed. It was recommended that the residences to be located on Parcels B and C should be effectively set back from the top of the slope. The dense glacial soils found on the site should provide adequate support for roadways and foundations. It was recommended that structures should be founded on shallow spread footings. The report indicated that while it appears that the majority of the project site should not be considered a critical area, a portion of the northwest corner of the site may be considered a critical area due to steep slopes. However, the topographic survey indicates that the steep slope is offsite within 25 feet of the site.

It is the opinion of the geotechnical engineers that provided the areas disturbed during construction will be stabilized and remain stable and will not increase the potential for soil movement; and the risk of damage to the proposed development and from the development to adjacent properties from soil instability will be minimal. The report made recommendations regarding: erosion control, site preparation and grading, temporary and permanent cut slopes, structural fill, building setbacks, foundations, seismic evaluation, retaining walls, and drainage. The report was reviewed by DCLU's geotechnical engineer who indicated that a Level C geotechnical report in accordance with Director's Rule 3-93 will be required for the individual building permit applications and noted that additional information will be required to comply with the Environmentally Critical Areas Ordinance.

Plants and Animals

There are trees and vegetation on the rear of the site which provide a habitat for birds and urban wildlife such as raccoons, squirrels, and other rodents. The site is connected to a greater habitat system in the heavily treed and vegetated steep slope system above the east side of Interstate 5. Development on the proposed lots would occur on the portions of the sites which are not located in a steep slope critical area. Therefore, it is expected that most of the existing bird and wildlife habitat would be preserved in the steep slope critical area on this site and no mitigation of plant and animal impacts will be required.

Traffic and Parking

The Land Use Code requires each house to have one offstreet parking space so the minimum number of parking spaces will be provided. The builders and home owners have the option to provide more parking spaces. In addition, parking utilization along this portion of 36th Avenue South is well below capacity and can accommodate parking spillover. The Institute of Transportation Engineers (ITE) Manual estimates that a single family residence generates approximately ten vehicle trips per day. The 40 trips per day that will be generated by the proposed single family residences will not be a significant increase to the total number of vehicle trips along 36th Avenue South. For these reasons, no mitigation of parking or traffic impacts is warranted.

Summary

In conclusion, several adverse effects on the environment are anticipated from the proposal. However, specific impacts identified in the foregoing analysis have been mitigated by existing codes and ordinances, per adopted City policies. Therefore, no additional SEPA conditions have been imposed on this short plat.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Submit the recording fee and final recording forms for approval. See changes suggested by the land use technician and reconcile the changes to the technician's satisfaction.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ___ of ___." If necessary, renumber the pages.
3. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
4. Provide an easement for electrical facilities to the satisfaction of Seattle City Light. Added to the plat shall be the following statement: "An easement is granted to Seattle City Light as shown on page ___ of ___".
5. Note on the face of the plat that for any future building permits a geotechnical engineer shall be present on-site to observe and verify the soil conditions during excavation for the

stormwater infiltration facility and to re-evaluate DCLU's recommendations if unexpected subsurface conditions are encountered.

6. Note on the face of the plat that a demolition permit shall be obtained and the existing garage on Parcel B shall be demolished prior to the individual sale of any parcel.
7. Provide easements or covenants to allow for the proper display of addresses for proposed parcels without street frontage.
8. Add a side yard easement to Parcel A and include in the new legal description on the plat to read, "and subject to a side yard easement to provide a ten (10) foot separation between the existing garage on Parcel D and any principal or accessory structures on Parcel A, and to provide access for normal maintenance activities for the garage on Parcel D".
9. Add a side yard easement to Parcel D and include in the new legal description on the plat, to read, "and together with a side yard easement to provide a ten (10) foot separation between the existing garage on Parcel D and any principal or accessory structures on Parcel A, and to provide access for normal maintenance activities for the garage on Parcel D".
10. The legal description for each of the Parcels A, B, C, and D shall be amended to add 92.50 after the word "east" on line 14 of the second paragraph.
11. The short plat shall be amended to show a note on the face of the plat that "the driveway for Parcel A shall be reduced to ten (10) feet in width and a street use permit shall be obtained from the Seattle Department of Transportation (SDOT) to restore portions of the existing curb and planting strip per SMC Section 23.54.030F6 before a construction permit will be issued for Parcels A, B, or C".

Conditions of Approval upon Application for Construction Permits

12. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to the construction permit plans.

Signature: (signature on file) Date: October 23, 2003
Malli Anderson
Land Use Planner
Land Use Services